

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-15 are pending in the present application. No claims are amended, added, or canceled by the present response.

In the outstanding Office Action, Claims 1-2, 4-6, and 8-13 were rejected under 35 U.S.C. § 103(a) as unpatentable over Furness (U.S. Patent No. 5,596,339) in view of Scarampi (WO 90/02453); and Claims 3, 7, and 14 were rejected under 35 U.S.C. § 103(a) as unpatentable over Furness, Scarampi and Kiefl (U.S. Patent No. 5,382,970), both of which are respectfully traversed for the following reasons.

Briefly recapitulating, independent Claim 1 is directed to a method for capturing and processing viewing data. Viewing data is transmitted via a telecommunications network to a central unit. The video data is projected directly on the retina of the user by a virtual retinal display device. During projection of the video data, data about the lines of sight of the user relative to the viewed video data are determined by determining current eye positions of the user by an eye position detection module of the display device. The viewing data is transmitted to the central unit with at least the data on the lines of sight relative to the viewed video data and the central unit determines, based on the viewing data, picture regions of reproduced video data that have been viewed by the user. Independent Claim 8 recites similar features as Claim 1.

Turning to the applied art, Scarampi only teaches detecting, from light reflections in a viewer's eyes, whether or not a television screen is looked at by the viewer (page 10, line 23, to page 11, line 3). Scarampi monitors the viewing habits of the viewer with regards to a traditional television set located in a room so that the television set can be watched by one or more viewers (see for example Figures 1 and 3). Scarampi states that it is **undesirable** to use

head worn monitoring units (see page 2, lines 17-35) and that **no headsets** are used or required (page 14, lines 28).

Thus, Scarampi teaches against any device that the viewer should wear.

On the other hand, Furness teaches a virtual retinal display that projects light directly onto a user's eye and detects the position of the eye's pupil. The device of Furness is configured as a **head mounted** display that is worn on the user's head (see column 2, lines 59-62 and column 3 lines 64-67). Thus, Furness teaches away from Scarampi, i.e., using a head mounted device to determine the position of the eye's pupil.

Accordingly, at least for this reason, Applicants respectfully submit that the combination of Scarampi and Furness is improper because there is no reason to combine the teachings noted above as they are contrary to each other.

Furthermore, the eye tracking system disclosed by Furness is configured to detect the position of the pupil **for positioning an offset mirror** for alignment purposes (see Furness at column 7, lines 49-55) and for determining in a microprocessor of the device which part of the video information stored in a frame buffer the user is perceiving as disclosed at column 7, lines 61-69.

Therefore, because Scarampi teaches monitoring the viewing of traditional television sets while Furness teaches tracking the user's pupil(s) with respect to a head mounted display, one of ordinary skill in the art, by combining the teachings of Scarampi and Furness, would not achieve the claimed invention because the eye tracker of Furness cannot be used to determine the user's line of sight with respect to a television set as required by Scarampi.

Consequently, there is neither motivation nor reason to combine the teachings of Scarampi with the teachings of Furness.

In addition, Furness teaches using the eye tracker for adjusting the selection and projection of the video information to the current position of the pupil. Thus, Furness only uses the current position of the pupil for device internal real-time applications.

Furness does not teach or suggest capturing the current position of the pupil for non-real-time applications. Furness makes no reference that would lead one of ordinary skill in the art to use the current position of the pupil for other purposes than alignment of a mirror and selection of video information to be presented to the user.

Also, Furness does not teach or suggest transmitting the current position of the pupil via a telecommunications network to a central unit as required by the claimed device. Consequently, one of ordinary skill in the art would not modify the device of Scarampi based on the teachings of Furness to transmit the current position of the pupil via a telecommunications network to a central unit as required by the claimed device.

Moreover, neither Furness nor Scarampi teaches or suggests determining in a remote central unit, based on the viewing data, picture regions of reproduced video data that **have been viewed** by the user. In this regard, Scarampi only teaches determining in a central unit TV channels watched by a user and Furness only teaches determining in a viewing device video information **to be presented** to the user.

Accordingly, it is respectfully submitted that independent Claims 1 and 8 and each of the claims depending therefrom patentably distinguish over Scarampi and Furness, either alone or in combination as the combination of this applied art is improper for the reasons discussed above.

The outstanding Office Action relies on Kiefl for teaching viewing data stored in a central unit. However, Kiefl does not cure the deficiencies noted above with regard to Furness and Scarampi.

Accordingly, it is respectfully submitted that independent Claims 1 and 8 and each of the claims depending therefrom patentably distinguish over Furness, Scarampi, and Kiefl, either alone or in combination.

As to dependent Claim 15, none of the cited art teaches or suggests determining in the central unit a correlation of the lines of sight with picture objects contained in the video data based on stored pictorial content descriptions including object designations and locations.

Accordingly, Applicants respectfully submit that dependent Claim 15 further distinguishes over the applied art.

Consequently, in light of the above discussion, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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